

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STUDENTS FOR JUSTICE IN
PALESTINE AT THE UNIVERSITY OF
HOUSTON, et al.,

Plaintiffs,

V.

GREG ABBOTT, *in his official capacity only as the Governor of the State of Texas*, et al.,

Defendants.

S S S S S S S S S S S S

No. 1:24-CV-523-RP

DECLARATION OF LATONYA ROBINSON

I, LaTonya Robinson, have personal knowledge, or knowledge based on my review of business records of the University of Texas at San Antonio, of all statements below. I hereby swear, affirm, and attest to the following pursuant to Federal Rule of Evidence 803(6), 901(b)(7), 902(11):

1. I am over 18 years of age, of sound mind, and capable of making this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.
2. I am an employee with the University of Texas at San Antonio, and I am executing this declaration as part of my assigned duties and responsibilities.
3. The business records attached to this declaration are true and accurate copies of the records. These records were made at or near the time of the information recorded. It is the regular business practice of UTSA to record the information set forth in the attached records. These records were kept in the course of regularly conducted activity of UTSA. I am familiar with the records and the circumstances under which they were made.
4. I am employed by the University of Texas at San Antonio (UTSA) as the Senior Vice Provost for Student Affairs and Dean of Students. I was hired as the Director of Student Life Initiatives in Student Life at UTSA in July 2017. In June 2019, I was appointed to my current role.
5. The Young Democratic Socialists of America (YDSA) and Students for Justice in Palestine (SJP) have both been registered student organizations at UTSA. Registration must be renewed annually. It is the responsibility of every student organization and/or its representatives to register their student organization every year. YDSA complied with UTSA policy and renewed its registration for Academic Year 2023-2024 (AY 23-24).

6. SJP failed to renew its registration for AY 23-24. Multiple emails were sent from UTSA staff to SJP's designated representative to notify SJP of the registration requirement. Additional communications were sent to reiterate the registration requirement in advance of SJP's planned marches and fundraisers on campus. Over AY 23-24, SJP was in violation of University Handbook of Operating Procedure (HOP) 9.10 for soliciting on campus while failing to register the organization. Although SJP was informed it was in violation of UTSA policy, SJP was not banned from campus.

Pro-Palestinian Student Organizations Escalate Campus Disruption

7. Over the Academic Year 2023-2024, YDSA and SJP held a number of events on campus. Some of these caused disruptions to normal campus activities. Further, UTSA received an escalating number of complaints of Jewish religious discrimination or Jewish identity discrimination over AY 23-24.
 - a. On October 12, 2023, SJP called for a Day of Resistance. After the event, UTSA's Behavioral Intervention Team (BIT) received a report that Turning Point USA, another registered student organization had a large ball at its table during the event. The ball had "death to Israel" and "Israel's favorite targets are children" written on it.
 - b. On October 30, 2023, a parent reported that his son was being harassed and discriminated against by his roommate for being Jewish. The student was relocated by Housing to a different unit, a discrimination complaint was filed with the Equal Opportunity Services (EOS) office, and a police report filed. After conducting an investigation, EOS was unable to substantiate the discrimination.
 - c. On November 9, 2023, students called for a Middle East ceasefire during a walkout. <https://paisano-online.com/37599/news/students-call-for-ceasefire-in-gaza-at-the-sombrilla/>; <https://www.tpr.org/news/2024-05-01/san-antonio-students-march-for-right-to-protest-war-in-gaza> Students chanted "From the River to the sea, Palestine will be free" and carried signs with the phrase. <https://www.sacurrent.com/news/university-of-texas-at-san-antonio-students-call-for-middle-east-ceasefire-during-walkout-33052017> Neither the students nor student organizations involved in organizing the walkout were disciplined for their use of the phrase.
 - d. On November 14, 2023, Hillel¹ organized a display in the grass near the Sombrilla. The display, titled "Balloons of Hope," decorated the grass with 10 rows of empty chairs that each included a balloon and a flier that pictured and identified Israeli hostages as "kidnapped." <https://paisano-online.com/37822/news/pro-israel-display-depicts-those-kidnapped-during-conflict/> On November 20, 2023, EOS received a complaint of religious discrimination alleging the Balloons of Hope display was vandalized on Friday, November 17, 2023. The UTSA Police Department (PD) also received a report that the event was vandalized. UTSA PD and EOS separately investigated. Neither UTSA PD nor EOS were able to identify the perpetrators. As a

¹ Hillel is a registered student organization.

result, UTSA PD closed its investigation and EOS dismissed the complaint. The act of vandalism is truly and accurately depicted below:



- e. On November 16, 2023, a “Shut It Down For Palestine Again” event occurred on campus, as students walked out of their classes to gather and advocate in support of Palestine. <https://paisano-online.com/37793/news/students-walk-out-for-a-second-time-in-support-of-palestine/> Students were carrying signs stating “From the River to the sea, Palestine will be free,” as truthfully and accurately depicted by the following: https://www.reddit.com/r/UTSA/comments/17rjzbi/utsa_students_protest_for_palestine/ Neither the students nor student organizations involved in organizing the walkout were disciplined for their use of the phrase.
- f. On January 27, 2024, a student reported that another student frequently referred to people who are Jewish as “dirty Jews,” “cheap Jews,” “Zionist swineboards,” and demanded that they “return his capital city” to him. The matter was referred to EOS for investigation.
- g. On February 1, 2024, student reported that he was concerned about a friend on Instagram posting antisemitic propaganda.² The student provided screenshots of the propaganda. Because the reporter was not able to identify the other student, BIT offered support and discussed ways for the student to have a discussion on the content.
- h. On February 6, 2024, BIT received another complaint of religious discrimination. A student reported another student for referring to a Jewish, lesbian, transgender student as “a kike, a faggot, and a tranny.” The matter was referred to EOS for investigation.
- i. On February 8, 2024, a Palestinian student reported to his professor that he received threats daily based on his Palestinian/Jordanian national origin. The matter was referred to EOS for investigation.
- j. On March 3, 2024, a student wrote in Arabic on a whiteboard, “I hate Jews”. The student accepted responsibility and signed a waiver of the disciplinary process. The student was placed on disciplinary probation, met with an E.P.I.C. (<https://www.utsa.edu/students/conduct/philosophy/>) mentor, and completed a reflective project.³
- k. On March 26, 2024, Hillel hosted an Israel Expo on campus to showcase Israeli heritage. <https://paisano-online.com/39432/news/israel-exposition-showcases-nations-heritage/> At Hillel’s request, UTSA provided a broad presence from the Division of Student Affairs and the Department of Public Safety.
- l. On April 2, 2024, EOS received an incident report from a student alleging he was harassed based on his religion while working at a coffee shop on campus. The student stated he identified as Jewish and is from Argentina. The student alleges the two respondents would utter the phrase “Free Palestine” while working near him and placed Palestinian flags around the workspace. The student also alleged the respondents stated that, because he is Argentinian, he was actually German, not

² Exhibit C.

³ Exhibit A.

Jewish, and called him a Nazi. EOS referred the matter to Student Conduct and Community Standards for their review because the alleged conduct occurred during work, not within a UTSA educational program and activity, and CP did not express that RPs' statements had any impact on his access to an educational program and activity. The respondent students were given a warning about professional workplace conduct.

- m. On April 8, 2024, a student vandalized the Sombrilla Plaza on campus by spray-painting anti-Israeli statements and inverted red triangles over the faces of students on various posters, some of which promoted inclusion. The act of vandalism is truly and accurately depicted below in the following images:







- n. I since learned that the inverted red triangle has been used by Hamas to identify Israeli military targets, and by Nazis to identify prisoners in death camps during the Holocaust. <https://www.cbc.ca/news/canada/gaza-red-triangle-meaning-1.7216788>. The student was arrested onsite by UTSA PD.⁴ He attempted to justify his actions by stating UTSA had not made a strong enough statement for support of Palestine. The student accepted responsibility for his actions. He was placed on disciplinary probation, paid restitution of \$5,529.52 for the damage, met with a mentor, and completed a reflective paper. The student was a member of YDSA. An un-registered student organization, the San Antonio chapter of the Party for Socialism and Liberation (PSL), issued a statement defending the student's actions as a peaceful protest and criticizing UTSA for sanctioning him. https://www.instagram.com/p/C5l_j6CRgMt/?igsh=MXBsc3JjZHpkcWZvaw%3D%3D&img_index=1,⁵ <https://paisano-online.com/39731/news/israel-palestine->

⁴ Exhibit B.

⁵ I know this to be PSL's Instagram account through personally observing the account broadcast updates on their past events on campus, depict events at UTSA, and because the account self-identifies as belonging to "PSL San Antonio."

[tensions-increase-around-utsa/](#) Although PSL is not registered with UTSA, it frequently organizes with YDSA and SJP.

- o. On April 15, 2024, the “Coordinated Economic Blockade to Free Palestine” protest halted traffic between Valero and UTSA. <https://paisano-online.com/39731/news/israel-palestine-tensions-increase-around-utsa/> The intersection of UTSA Boulevard and Valero Way was shut down, along with the access road of Loop 1604. The stated purpose of the protest was “to disrupt and blockade economic logistical hubs and the flow of capital.” <https://www.a15action.com/> Regular university activity was disrupted as students, staff, and faculty were unable to enter campus from that entry point due to the protesters’ blockade.
- p. On April 23, 2024, YDSA organized a Die-in event. Students laid on the ground in front of the John Peace library and carried signs with the phrase “From the River to the sea, Palestine will be free”. Neither the students nor student organization involved in organizing the event were disciplined for their use of the phrase.
- q. On April 24, 2024, UTSA students gathered on campus for a “Gaza Solidarity Action” protest organized by YDSA and PSL. https://x.com/SamOwensphoto/status/1783243876322484326?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1783243876322484326%7Ctwgr%5Ef09a83960f587422dac4c9eca9a0b65d55dab2d4%7Ctwcon%5Es1&ref_url=https%3A%2F%2Fwww.tpr.org%2Fnews%2F2024-04-24%2Fut-austin-students-walk-out-to-support-palestinians-as-part-of-nationwide-protests;https://www.tpr.org/news/2024-04-24/ut-austin-students-walk-out-to-support-palestinians-as-part-of-nationwide-protests Students chanted “From the River to the sea, Palestine will be free” and carried signs with the phrase. Neither the students nor the organizations involved in organizing the protest were disciplined for their use of the phrase.
- r. Also on April 24, 2024, a student reported that an alumnus and member of Turning Point UTSA held a meeting on campus during which he made “disturbing remarks regarding Jewish heritage.”
- s. On April 29, 2024, UTSA students held a demonstration of Solidarity with Gaza and Student Activists Nationwide Sit In. Students chanted “From the River to the sea, Palestine will be free” and carried signs with the phrase. Neither the students nor student organizations involved in organizing the demonstration were disciplined for their use of the phrase.
- t. On May 1, 2024, The YDSA joined with other student groups to present a letter to President Eighmy in response to Governor Abbott’s Executive Order GA-44. <https://www.scribd.com/document/728489173/UTSA-Letter;https://www.tpr.org/news/2024-05-01/san-antonio-students-march-for-right-to-protest-war-in-gaza> SJP and PSL also organized a protest and march around campus. https://www.instagram.com/p/C6ZmFjzR-rs/?locale=zh-TW&hl=ar&img_index=1 Students chanted “From the River to the sea, Palestine will

be free” and carried signs with the phrase. Neither the students nor student organizations involved in organizing the event were disciplined for their use of the phrase.

UTSA’s Peaceful Public Assembly Policy

8. On April 23, 2024, I addressed several protestors wearing PSL shirts, requesting that UTSA was asking them not to use the expression “From the River to the Sea, Palestine will be free.” Our request to the protestors was based on a request for civil discourse during a fraught time on campus. UTSA did not incorporate this request into its written policies, and only asked students to refrain from using the expression as a temporary measure while awaiting guidance from the University of Texas System on how we should revise campus policies in response to GA-44. UTSA understands that the operative clauses of Governor Abbott’s executive order do not instruct public universities in Texas to prohibit the simple use of the phrase, and do not themselves prohibit the simple use of the phrase.
9. On June 7, 2024, UTSA revised its Peaceful Public Assembly, HOP 9.37, defining antisemitism consistent with Texas Government Code Section 448.001 and prohibiting unlawful discrimination on the basis of antisemitism as provided under subpart IV(B) & (C) of the policy. <https://www.utsa.edu/hop/chapter9/9-37.html>. UTSA’s revised policies do not prohibit the simple use of the phrase “From the River to the Sea, Palestine will be free.”
10. UTSA is committed to freedom of expression and has not declined a request by a student group to protest on campus or engage in any pro-Palestinian/anti-Israeli activities.
11. In accordance with UTSA HOP 9.37, students, faculty, staff and the public have the right to assemble, speak and attempt to attract the attention of others. Such expressive activities are subject to the university’s time, place and manner regulations.
12. In keeping with UTSA’s institutional values, individuals are prohibited from badgering, harassing or assaulting any other person for any reason; damaging property; or disrupting the normal business of the university. <https://www.utsa.edu/president/campusandcommunity/free-speech-at-utsa/public-forums.html>
13. UTSA enforces the above policies, as well as all other campus policies, equally against all individuals and organizations regardless of their affiliation, the viewpoint or content of their expression, or any protected characteristic, and UTSA will continue to do so in the future.
14. As part of UTSA’s commitment to civil discourse, UTSA has hosted multiple workshops and courses over the AY 23-24 designed to build capacity for respectful discourse in and out of the classroom. <https://www.utsa.edu/president/campusandcommunity/free-speech-at-utsa/capacity-building.html>
15. UTSA does not now and has not previously had a written policy prohibiting the simple use of the phrase “From the River to the sea, Palestine will be free.” In accordance with UTSA’s commitment to freedom of expression, the simple use of that phrase will not be prohibited.

The phrase will only be prohibited if accompanied by other behavior otherwise prohibited by publicly posted UTSA policy, student code of conduct, state or federal law.

16. UTSA has not disciplined any student for their simple use of the phrase “From the River to the sea, Palestine will be free.” To the extent UTSA’s campus officials previously asked students not to avoid simply expressing this slogan, it will not do so again in the future.
17. Attached hereto as **Exhibit A** is a true and accurate copy of the Student Conduct – Behavioral and Academic Dishonesty Referral from the March 3, 2024 incident described above in which a student wrote an antisemitic slur on a white board.
18. Attached hereto as **Exhibit B** is a true and accurate copy of the Criminal Case Report created by the UTSA Police Department relating to the incident of vandalism at Sombrilla Plaza on April 8, 2024.
19. Attached hereto as **Exhibit C** is a true and accurate copy of the Behavioral Intervention Team Incident Report from the February 1, 2024 incident described above in which a student reported being targeted with antisemitic propaganda.
20. Attached hereto as **Exhibit D** is a true and accurate copy of Peaceful Public Assembly, HOP 9.37, in effect between February 15, 2019 and June 7, 2024.
21. Further, Declarant sayeth naught.

PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF TEXAS AND THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on August 16, 2024.

A handwritten signature in black ink, appearing to read 'LaTonya Robinson', written over a horizontal line.

LaTonya Robinson
Senior Vice Provost for Student Affairs and Dean of
Students at The University of Texas at San Antonio

EXHIBIT A

Student Conduct – Behavioral and Academic Dishonesty Referral from March 3, 2024 Incident

University of Texas at San Antonio
Student Conduct - Behavioral and Academic Dishonesty Referral

Submitted on March 22, 2024 at 11:23:01 am CDT

Nature	General
Urgency	normal
Incident Date and Time	2024-03-03
Incident Location	JPL-John Peace Library Group Spot A

Reported by

Name:	Hilda Pena on behalf of EOS/Title IX Office
Title:	Staff
Email:	
Phone	2104584120
Address:	[Authenticated as Monse Pena]

Involved Parties

Respondent	()	@my.utsa.edu	
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Please provide the details for this referral in the section below.

Was this incident report to the UTSA Police Department?

Yes

For Behavioral referrals, please choose what best describes the type of incident you are reporting:

Please describe in detail the reason for this referral.

This matter is being referred to be reviewed under the Student Code of Conduct (SCCS) and we support the Epic Journey.

If this is a referral for suspected Academic Dishonesty, have you completed and uploaded the Faculty Disposition of a Academic Dishonesty Case Form?

No

For Academic Dishonesty referrals, please provide allegation information:

What College is reporting? Select option below.

What is the Course Name?

What is the Course Number?

What is the course Section Number?

What is the course CRN?

Has the referral been reviewed and signed by your Dean or Chair? If so, please provide their name.

(FOR EOS/TITLE IX STAFF USE ONLY) This incident is being referred for:

General Referral

(FOR EOS/TITLE IX STAFF USE ONLY) If referred for DOA was there also a separate referral submitted for Title IX violations?

NO

Pending IR #00015579

Submitted from 70.125.138.130. Processed by routing rule #2. Routed to Marian R. Harris, Data Systems Coordinator, Student Conduct and Community Standards.

Copies to: anne.jimenez@utsa.edu

University of Texas at San Antonio
Student Conduct - Behavioral and Academic Dishonesty Referral

Submitted on March 22, 2024 at 11:23:01 am CDT. Last modified March 22, 2024 at 11:56:47 am CDT.

Nature **General**
Urgency **normal**
Incident Date and Time **2024-03-03**
Incident Location **JPL-John Peace Library Group Spot A**

Reported by

Name: **Hilda Pena**
Title: **Intake Analyst**
Email: **monse.pena@utsa.edu**
Phone: **2104584120**
Address:

Involved Parties

Respondent () male Off Campus @my.utsa.edu

Please provide the details for this referral in the section below.

Was this incident report to the UTSA Police Department? **Yes**

For Behavioral referrals, please choose what best describes the type of incident you are reporting:

Please describe in detail the reason for this referral.

Inappropriate Behavior

SC Group Note 3/6/24-McGowan-Staff reported someone walked up to her in JPL Library and reported that an anti-Semitic slur had been written in Arabic on the white board in one of the rooms. McGowan took a picture of the slur which translated to "I hate Jews" and then erased it from the board. PD reviewed camera footage and observed an unidentified male writing the slur. EOS has received this referral and will create IR for SC Group. Handled by PD.

This matter is being referred to be reviewed under the Student Code of Conduct (SCCS) and we support the Epic Journey.

If this is a referral for suspected Academic Dishonesty, have you completed and uploaded the Faculty Disposition of a Academic Dishonesty Case Form? **No**

For Academic Dishonesty referrals, please provide allegation information:

What College is reporting? Select option below.

What is the Course Name?

What is the Course Number?

What is the course Section Number?

What is the course CRN?

Has the referral been reviewed and signed by your Dean or Chair? If so, please provide their name.

(FOR EOS/TITLE IX STAFF USE ONLY) This incident is being referred for: **General Referral**

(FOR EOS/TITLE IX STAFF USE ONLY) If referred for DOA was there also a separate referral submitted for Title IX violations? **NO**

Pending IR #00015579

Submitted from 70.125.138.130 and routed to Marian R. Harris (Data Systems Coordinator, Student Conduct and Community Standards)

Modified by Marian R. Harris on March 22, 2024 at 11:56:47 am CDT from 136.50.205.250

Copies originally to: anne.jimenez@utsa.edu

EXHIBIT B

Criminal Case Report – April 8, 2024 Sombrilla Plaza Vandalism



Police Department

CRIMINAL CASE REPORT

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

LOCATION OF OCCURRENCE / ADDRESS McKinney Humanities Building / FACING SOMBRILLA, ONE UTSA Circle SAN ANTONIO, TX 78249, Bexar County						DATE / TIME REPORTED 04/08/2024 01:32		CASE NO. 2024-00264				
CODE SECTION CRIME DESCRIPTION CLASSIFICATION LOSS RECOVERY												
TPC 38.04		Evading Arrest		OFFENSE		0.00		0.00				
TPC 28.08		Graffiti		OFFENSE		1000.00		0.00				
FROM: DATE/TIME 04/08/2024 01:32		TO: DATE/TIME 04/08/2024 02:05		APPROVED YES		CASE STATUS Case Completed						
RELATED AGENCY				RELATED AGENCY NUMBER								
ITEMS IN REPORT												
<input checked="" type="checkbox"/> SUPPLEMENT <input checked="" type="checkbox"/> PICTURE/IMAGE												
<input type="checkbox"/> FOLLOW UP <input checked="" type="checkbox"/> PROPERTY/EVIDENCE												
CATEGORIES												
<input type="checkbox"/> Alcohol Related <input type="checkbox"/> Traffic Related <input type="checkbox"/> Drugs Involved <input type="checkbox"/> Group Involved <input type="checkbox"/> Weapon Involved												
<input type="checkbox"/> Arrest Occured <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Senior Citizen												
INV	NAME	SUFFIX	RACE	ETHNICITY	SEX	GENDER	AGE	DOB	HT	WT	HAIR	EYE
RP			W	H	M		19					
DRIVER'S LIC. NO.		STUDENT ID		CLASSIFICATION		TYPE		SSN				
						STUDENT NON-RESIDENT						
PHONES												
Cell Phone:												
INV	NAME	SUFFIX	RACE	ETHNICITY	SEX	GENDER	AGE	DOB	HT	WT	HAIR	EYE
ARR			W	N	M		21		6.1	144	BRO	BRO
DRIVER'S LIC. NO.		STUDENT ID		CLASSIFICATION		TYPE		SSN				
						STUDENT NON-RESIDENT						
EMAIL												
ADDRESS TYPE	STREET NUMBER	STREET NAME		SUITE NUMBER		CITY		STATE		ZIP		
Home												
Home												
PHONES												
Cell Phone:												
ARREST INFORMATION												
LOCATION OF ARREST												
One UTSA Circle, San Antonio, Texas 78249												
CODE SECTION		CRIME DESCRIPTION		CLASSIFICATION								
TPC 28.08		Graffiti		OFFENSE								
TPC 38.04		Evading Arrest		OFFENSE								
ARREST DATE		LEVEL		ARRESTING OFFICER								
04/08/2024		Misdemeanor		VAN METER, JOSHUA								
NARRATIVE												
<p>On April 8th, 2024 at approximately 0132 hours, I assisted Officer Juarez #610 with a call for service regarding a unknown male spray painting the south side of the McKinney Humanities Building (1 UTSA Circle San Antonio, Texas 78249). The McKinney Humanities building is located on the University of Texas at San Antonio property. The description provided was a white male wearing a grey hoodie with a face mask on. After parking and walking toward the McKinney Humanities building, I observed a male, later identified as , with a grey hoodie, black backpack, face covering, and gloves actively spray painting the ground outside of the John Peace Library</p>												
REPORTING OFFICER			APPROVED BY				APPROVAL DATE AND TIME					
VAN METER, JOSHUA			HOGAN, NORMA				04/18/2024 07:36					
				PRINT DATE AND TIME		PRINTED BY			PAGE NO.			
				07/18/2024 11:36		ERICA FUENTEZ			1 of 3			



Police Department

CRIMINAL CASE REPORT

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

LOCATION OF OCCURRENCE / ADDRESS

McKinney Humanities Building / FACING SOMBRILLA, ONE UTSA Circle
SAN ANTONIO, TX 78249, Bexar County

DATE / TIME REPORTED

04/08/2024 01:32

CASE NO.

2024-00264

first floor food court. I called out D [REDACTED]'s description and activated my body camera as I moved toward the male. As I approached within talking distance with D [REDACTED], he stopped spray painting the ground and looked at me. I, in full law enforcement uniform, announced my presence and ordered him to stop spray painting. D [REDACTED] continued to look at me before talking off in a full sprint north towards the McKinney Humanities building. I initiated a foot pursuit with D [REDACTED] and followed him north between the McKinney Humanities and Business Building toward the Devine Parking Lot. As I chased D [REDACTED], I continually announced myself while ordering him to stop running. In an effort to get D [REDACTED] to cease running, I announced to possibility of less lethal options being used against him if he continued. After continuing to run north past the buildings and then east along the Devine parking lot, he stopped and stood in place. D [REDACTED] then complied as I ordered him to the ground while placing his hands behind his back.

I placed handcuffs onto D [REDACTED] and ensured proper locking and tension. His backpack was removed from within arms reach as he was arrested and inventoried by Officer Juarez. Corporal Gutierrez #603 and I assisted D [REDACTED] from the ground and I conducted a search incident to arrest of his person for contraband or weapons with negative findings. I had D [REDACTED] sit on a nearby curb as I advised him of his Miranda Rights from my department issued Rights of an Arrestee card. At around 0143 hours, D [REDACTED] stated he understood his rights. At this time, D [REDACTED] did not divulge what he was spray painting on the ground outside of the university buildings, but he did say he wanted to make a pro-Palestinian political statement and he believes that proper protests no longer work. D [REDACTED] stated his motivations stem from the University not making a strong enough statement on the subject. D [REDACTED] then explained he is a current student at UTSA and was not influenced by current stuff or faculty to make the politically motivated statements. Officers Juarez and Gutierrez stayed with D [REDACTED] as I retrieved my nearby patrol unit.

After arriving back to Devine parking lot, I placed D [REDACTED] in the rear passenger compartment of patrol unit 128 and secured him with a seatbelt. I ensured to check the rear passenger compartment of unit 128 at the start of my shift for contraband or weapons with negative results. I provided my starting mileage and conducted the transport to the UTSA Police Department building without issues. I then secured my primary and secondary weapons in the trunk of my patrol unit and retrieved D [REDACTED] from the rear of the vehicle. D [REDACTED] was then escorted inside of the UTSA police department building and secured inside of Temporary Detention Room 1.332 as I completed the necessary paperwork to process him into Bexar county Jail 9200 N Comal San Antonio, Texas 78207).

As I worked on the intake paperwork, Corporal Gutierrez returned to the McKinney Humanities building and took pictures of the graffiti made by D [REDACTED]. Damages from the graffiti on University property estimate to approximately \$1000. Some of the graffitied statements include "FCK THE IDF (Israeli Defense Force), "30K

REPORTING OFFICER

VAN METER, JOSHUA

APPROVED BY

HOGAN, NORMA

APPROVAL DATE AND TIME

04/18/2024 07:36

PRINT DATE AND TIME

07/18/2024 11:36

PRINTED BY

ERICA FUENTEZ

PAGE NO.

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Police Department

CRIMINAL CASE REPORT

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

LOCATION OF OCCURRENCE / ADDRESS

McKinney Humanities Building / FACING SOMBRILLA, ONE UTSA Circle
SAN ANTONIO, TX 78249, Bexar County

DATE / TIME REPORTED

04/08/2024 01:32

CASE NO.

2024-00264

CIVS KILLED IN GAZA", as well as the recreation of the Palestine flag over UTSA posters of students seeming to be of Middle Eastern descent. Please refer to his supplement report for pictures and further information regarding the graffiti.

Officer Juarez completed the addition of D [REDACTED]'s property into evidence. Please refer to her supplement for further information regarding evidence addition.

Due to the statements made from D [REDACTED] regarding his political stance as a supporter of Palestine, his actions to further his political ideology against another group of people, and possessing personal property belonging to political groups such as Antifascist Action (ANTIFA) and Democratic Socialists of America, a Title IX report will be completed.

My department issued body camera was on and recording during encounter. The in-car camera system for patrol unit 128 was on and recording during the transport of dolman to the UTSA Police Department building. The footage has been downloaded to our secure server.

REPORTING OFFICER

VAN METER, JOSHUA

APPROVED BY

HOGAN, NORMA

APPROVAL DATE AND TIME

04/18/2024 07:36

PRINT DATE AND TIME

07/18/2024 11:36

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ERICA FUENTEZ

PAGE NO.

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Police Department

Supplement Case Report

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

		CASE NO. 2024-00264	SUPPLEMENT NO. 001
LOCATION OF OCCURRENCE / ADDRESS McKinney Humanities Building/ FACING SOMBRILLA/ ONE UTSA Circle, San Antonio, TX 78249		CAD NO. 24-04-08-020593	DATE / TIME REPORTED 04/08/2024 01:32
CODE SECTION	CRIME DESCRIPTION	CLASSIFICATION	
TPC 38.04	Evading Arrest	OFFENSE	
TPC 28.08	Graffiti	OFFENSE	
NARRATIVE			
<p>This supplement is to cover the evidence pertaining to report number 2024-00264. On April 8, 2024 at approximately 0130 hours we were dispatched to McKinney Humanities Building (MH) regarding a person spray painting the outside of MH. Ofc. Van Meter was first on scene and located the subject spray painting and yelled at him to stop and the subject ran. Cpl. Gutierrez and I started to run as well to try to intersect the subject. The subject finally stopped and laid on the ground at the UTSA Bus Oval where Ofc. Van Meter then detained him. Please see Ofc. Van Meter's report for more information.</p> <p>Evidence Items are the following:</p> <p>2024-0402984: 1 Pair of black and green in color, gloves. Brand: Kebada.</p> <p>2024-0402986: 1 tan/brown neck gaiter.</p> <p>2024-0402987: 4 different Pinback Buttons. 2 red in color YSDA (Young Democratic Socialists of America) pinback buttons. 1 black button with "Antifascist Action" printed on it. 1 black button with a "KKK" member with a red line across it.</p> <p>2024-0402987: 9 spray paint cans in total. 2 full white paint cans, 2 full red paint cans, 2 full green paint cans, 2 full black paint cans and 1 near empty black paint can. Brand: Rust-Oleum.</p> <p>Evidence was placed in Main Campus Temporary Evidence Locker #19 at approximately 0615 hours.</p> <p>The system generated two of the same evidence property numbers for different evidence items. Evidence custodians have been notified.</p>			
REPORTING OFFICER JUAREZ, KASSANDRA	SUPPLEMENT DATE AND TIME REPORTED 04/08/2024 03:30	REVIEWED BY HOGAN, NORMA	APPROVAL DATE AND TIME 04/18/2024 07:41
		PRINT DATE AND TIME 07/18/2024 11:36	PRINTED BY ERICA FUENTEZ
			PAGE NO. 1 of 7



Police Department

Supplement Case Report

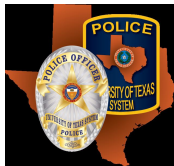
One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

		CASE NO. 2024-00264	SUPPLEMENT NO. 002
LOCATION OF OCCURRENCE / ADDRESS McKinney Humanities Building/ FACING SOMBRILLA/ ONE UTSA Circle, San Antonio, TX 78249		CAD NO. 24-04-08-020593	DATE / TIME REPORTED 04/08/2024 01:32
CODE SECTION TPC 38.04 TPC 28.08	CRIME DESCRIPTION Evading Arrest Graffiti	CLASSIFICATION OFFENSE OFFENSE	
NARRATIVE <p>This supplement report will be covering the photos obtain from report number 2024-00264. On 08 April 2024, at approximately 0130 hours officers were dispatched to the McKinney Humanities Building (MH Building) facing the Sombrilla for a report of a subject spray painting on the building. Officer Van Meter was first on scene and observed the suspect matching the description spray painting on a building pillar adjacent to the MH building. He yelled at the suspect to stop and he ran. Officer Juarez and Corporal Gutierrez were next on scene and also gave chase. The suspect stopped at the UTSA/VIA bus loop. Please see Officer Van Meters report for more information regarding the case.</p> <p>I went back to the MH building and the Sombrilla and took the attached photos. Please see the Photo Index below.</p> <p>My department issued body camera was active during the incident.</p> <p>Photo Index: 2024-00264(1) - Overview of Graffiti Angle 1 2024-00264(2) - Overview of Graffiti Angle 2 2024-00264(3) - Overview of Graffiti Angle 3 2024-00264(4) - Overview of Graffiti Angle 4 2024-00264(5) - Graffiti 30K 2024-00264(6) - Graffiti FUK THE IDF 2024-00264(7) - Graffiti LYDDA 2024-00264(8) - Graffiti SABRA 2024-00264(9) - Graffiti Facing North 2024-00264(10) - Graffiti Facing South 2024-00264(11) - Graffiti Facing West 2024-00264(12) - MH Pillar 1 2024-00264(13) - MH Pillar 2 2024-00264(14) - MH Pillar 3 2024-00264(15) - MH Pillar 4 2024-00264(16) - MH Pillar 5 2024-00264(17) - MH Pillar 6 2024-00264(18) - MH Pillar 7 2024-00264(19) - MH Pillar 8</p>			
REPORTING OFFICER GUTIERREZ, MANUEL	SUPPLEMENT DATE AND TIME REPORTED 04/08/2024 03:51	REVIEWED BY HOGAN, NORMA	APPROVAL DATE AND TIME 04/16/2024 15:28
		PRINT DATE AND TIME 07/18/2024 11:36	PRINTED BY ERICA FUENTEZ
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University of Texas at San Antonio
Police Department
Supplement Case Report
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	CASE NO. 2024-00264	SUPPLEMENT NO. 002
LOCATION OF OCCURRENCE / ADDRESS McKinney Humanities Building/ FACING SOMBRILLA/ ONE UTSA Circle, San Antonio, TX 78249	CAD NO. 24-04-08-020593	DATE / TIME REPORTED 04/08/2024 01:32

2024-00264(20) - Overview of Graffiti to MH Pillars

REPORTING OFFICER GUTIERREZ, MANUEL	SUPPLEMENT DATE AND TIME REPORTED 04/08/2024 03:51	REVIEWED BY HOGAN, NORMA	APPROVAL DATE AND TIME 04/16/2024 15:28
	PRINT DATE AND TIME 07/18/2024 11:36	PRINTED BY ERICA FUENTEZ	PAGE NO. 3 of 7



Police Department

Supplement Case Report

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		CASE NO. 2024-00264	SUPPLEMENT NO. 003
LOCATION OF OCCURRENCE / ADDRESS McKinney Humanities Building/ FACING SOMBRILLA/ ONE UTSA Circle, San Antonio, TX 78249		CAD NO. 24-04-08-020593	DATE / TIME REPORTED 04/08/2024 01:32
CODE SECTION TPC 38.04 TPC 28.08	CRIME DESCRIPTION Evading Arrest Graffiti	CLASSIFICATION OFFENSE OFFENSE	
NARRATIVE <p>At approximately 0600 hours, I took D [REDACTED] from Temporary Detention room 1.332 and placed him in handcuffs. I checked the handcuffs for proper locking and tension. I then escorted him to patrol unit 128 and placed him in the rear passenger compartment for the transport to Bexar county Jail. I ensured to inspect the rear compartment before placing him inside for contraband or weapons and had zero results. I gave the required vehicle information to dispatch and began the transport to Bexar county Jail.</p> <p>I arrived to the jail at around 0623 hours without incident. I then secured my primary and secondary weapons inside the trunk of the patrol unit and retrieved D [REDACTED] from the patrol unit. I again inspected the rear passenger compartment for contraband or weapons with negative findings. I escorted D [REDACTED] inside of the facility and transferred custody of him to the on-duty jailing staff. I then completed the necessary paperwork required to book him into the jail.</p> <p>While speaking with the on-duty Assistant District Attorney, they personally do not consider the events that transpired as a hate crime. The events will be reviewed with possibility of filing the case differently.</p> <p>At around 0726 hours, I left the jail and proceeded to the UTSA downtown campus. While there, I placed D [REDACTED]'s personal property in UTSAPD Personal Property locker A2 at around 0740 hours. From there, I returned back to UTSA main campus without incident.</p> <p>The UTSAPD Evidence and Property Custodian has been notified of D [REDACTED]'s property into storage.</p> <p>My department issued body camera was on and recording during the transport. The in-car cameras for patrol unit 128 were also on and recording. The footage has been downloaded to our secure server.</p>			
REPORTING OFFICER VAN METER, JOSHUA	SUPPLEMENT DATE AND TIME REPORTED 04/08/2024 08:57	REVIEWED BY HOGAN, NORMA	APPROVAL DATE AND TIME 04/18/2024 07:40
		PRINT DATE AND TIME 07/18/2024 11:36	PRINTED BY ERICA FUENTEZ
		PAGE NO. 4 of 7	



Police Department

Supplement Case Report

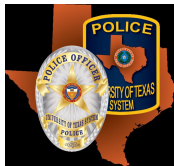
One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

		CASE NO. 2024-00264	SUPPLEMENT NO. 004
LOCATION OF OCCURRENCE / ADDRESS McKinney Humanities Building/ FACING SOMBRILLA/ ONE UTSA Circle, San Antonio, TX 78249		CAD NO. 24-04-08-020593	DATE / TIME REPORTED 04/08/2024 01:32
CODE SECTION TPC 38.04 TPC 28.08	CRIME DESCRIPTION Evading Arrest Graffiti	CLASSIFICATION OFFENSE OFFENSE	
NARRATIVE On Monday, 08 April 2024 at approximately 0900 hours, I was advised of a error within the ARMS property where it had issued a duplicate property number: 20240402987. A new property number was issued, 20240402988, and the information from the original property number was transferred to the new number. A screen shot was added to the new property number to show the error.			
REPORTING OFFICER WEBER, ERIC B	SUPPLEMENT DATE AND TIME REPORTED 04/08/2024 09:29	REVIEWED BY HOGAN, NORMA	APPROVAL DATE AND TIME 04/18/2024 07:36
		PRINT DATE AND TIME 07/18/2024 11:36	PRINTED BY ERICA FUENTEZ
		PAGE NO. 5 of 7	



Police Department

Supplement Case Report

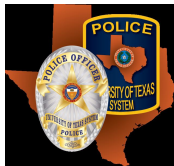
One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

		CASE NO. 2024-00264	SUPPLEMENT NO. 005
LOCATION OF OCCURRENCE / ADDRESS McKinney Humanities Building/ FACING SOMBRILLA/ ONE UTSA Circle, San Antonio, TX 78249		CAD NO. 24-04-08-020593	DATE / TIME REPORTED 04/08/2024 01:32
CODE SECTION	CRIME DESCRIPTION	CLASSIFICATION	
TPC 38.04	Evading Arrest	OFFENSE	
TPC 28.08	Graffiti	OFFENSE	
NARRATIVE			
<p>On 16 April 2024 at 1354 hours, I called Fred Weidner with UTSA Facilities to obtain a cost for the clean up of the graffiti. Weidner said he would get me a completed copy of the work order that would have the total dollar amount for this case. Weidner further stated that he estimated the clean up to be \$144.00 for his labor and further explained that the product he used to clean the graffiti was \$400.00 dollars for the kit, but he did not use all of it.</p> <p>At 1404 hours, I messaged Lauren Beaver (Senior Director, Business Affairs Strategic Communications) to obtain a cost for the 8 posters that were damaged. Beaver put me in contact with Brett Calvert (Senior Executive Director of Marketing) and Joan Duncan (VP for University Relations). Duncan was able to provide a cost of \$5385.52 (see attached). The cost was a collaboration of the cost for each poster at \$591.94 which totaled \$4,735.52 and the cost of labor to install them which was \$650.00.</p> <p>On 3 May 2024 at 1455, I spoke with Anne Jimenez (Student Conduct and Community Standards). Jimenez was reaching out to the various departments that were requiring restitution because D [REDACTED] had decided to make restitution for the damages. Jimenez advised she would keep me in the loop for the case file.</p> <p>On 6 May 2024, I was copied on an email from Weidner and Duncan which contained their completed Deposit Transmittal form which totaled their cost for clean up and replacement of the damage posters (see attached). The total cost is \$5562.02. The cost for the clean up totaled \$176.50 which was a break down of \$144.00 in labor and \$32.50 in materials. The cost to replace the posters was \$5385.52 which was a break down of the posters and labor to install them.</p>			
REPORTING OFFICER CRISWELL, JACOB	SUPPLEMENT DATE AND TIME REPORTED 06/06/2024 10:58	REVIEWED BY HOGAN, NORMA	APPROVAL DATE AND TIME 06/21/2024 12:04
		PRINT DATE AND TIME 07/18/2024 11:36	PRINTED BY ERICA FUENTEZ
		PAGE NO. 6 of 7	



University of Texas at San Antonio

Police Department

Supplement Case Report

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

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		CASE NO. 2024-00264	SUPPLEMENT NO. 006
LOCATION OF OCCURRENCE / ADDRESS McKinney Humanities Building/ FACING SOMBRILLA/ ONE UTSA Circle, San Antonio, TX 78249		CAD NO. 24-04-08-020593	DATE / TIME REPORTED 04/08/2024 01:32
CODE SECTION	CRIME DESCRIPTION	CLASSIFICATION	
TPC 38.04	Evading Arrest	OFFENSE	
TPC 28.08	Graffiti	OFFENSE	
NARRATIVE			
<p>On 11 June 2024 at 0915 hours, I searched Bexar County Court Records to verify the Judicial Number for the charge of Graffiti - Higher Education and found that the charge has been dismissed / Conviction other. I then checked on the charge of Evading and found that it has been reset for July 24, 2024.</p> <p>The charge of Graffiti is no longer pending and has been dismissed.</p>			
REPORTING OFFICER CRISWELL, JACOB	SUPPLEMENT DATE AND TIME REPORTED 06/11/2024 09:33	REVIEWED BY HOGAN, NORMA	APPROVAL DATE AND TIME 06/21/2024 12:07
		PRINT DATE AND TIME 07/18/2024 11:36	PRINTED BY ERICA FUENTEZ PAGE NO. 7 of 7



Police Department
Property case report
One UTSA Circle San Antonio, TX 78249
PHONE: 210-458-4242 FAX: 210-458-7602 police@utsa.edu

CASE #:2024-00264	INCIDENT #:	OFFICER:VAN METER, JOSHUA
DATE OF REPORT:04/08/2024	CRIME:OFFENSE Evading Arrest	

ITEM #:	PROPERTY TYPE:CLOTHES/FURS	PROPERTY STATUS:
PROPERTY:20240402984	QUANTITY:1	VALUE:0.00
MAKE:	MODEL:	
COLOR:		
DESCRIPTION:1 pair of black and green in color, gloves. Brand: Kebada.		
NOTES:Reviewed by CPL. Gutierrez#0603		
SERIAL #:	STORED AT:EVIDENCE ROOM, BOS 1.334A	RECOVERY VALUE:0.00
NCIC:	ENTERED ON:	RECOVERED ON:
OWNER APPLIED #:	DISPOSED ON:	REVIEW DATE:04/09/2024
DISPOSITION:		
DATE FOUND:04/08/2024		
LOCATION:On person's hands upon arrest.		

ASSOCIATED WITH:

NAME:
ADDRESS:
HOME PHONE:
WORK PHONE:

CASE #:2024-00264	INCIDENT #:	OFFICER:VAN METER, JOSHUA
DATE OF REPORT:04/08/2024	CRIME:OFFENSE Evading Arrest	

ITEM #:	PROPERTY TYPE:CLOTHES/FURS	PROPERTY STATUS:
PROPERTY:20240402986	QUANTITY:1	VALUE:0.00
MAKE:	MODEL:	
COLOR:		
DESCRIPTION:1 tan/brown neck gaiter.		
NOTES:Reviewed by CPL. Gutierrez#0603		
SERIAL #:	STORED AT:EVIDENCE ROOM, BOS 1.334A	RECOVERY VALUE:0.00
NCIC:	ENTERED ON:	RECOVERED ON:
OWNER APPLIED #:	DISPOSED ON:	REVIEW DATE:04/08/2024
DISPOSITION:		
DATE FOUND:04/08/2024		
LOCATION:On the face of person upon arrest.		

ASSOCIATED WITH:

NAME:
ADDRESS:
HOME PHONE:
WORK PHONE:

CASE #:2024-00264	INCIDENT #:	OFFICER:VAN METER, JOSHUA
DATE OF REPORT:04/08/2024	CRIME:OFFENSE Evading Arrest	

ITEM #:	PROPERTY TYPE:ARTISTIC SUPPLIES/ACCESSORIES	PROPERTY STATUS:
PROPERTY:20240402987	QUANTITY:9	VALUE:0.00
MAKE:Spray Pain	MODEL:Rust-Oleum	
COLOR:		
DESCRIPTION:9 spray paint cans in total. 2 full white paint cans, 2 full red paint cans, 2 full green paint cans, 2 full black paint cans and 1 near empty black paint can. Brand: Rust-Oleum.		

Property case report

PHONE: 210-458-4242 FAX: 210-458-7602 police@utsa.edu

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Police Department

Property case report

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242 FAX: 210-458-7602 police@utsa.edu

ASSOCIATED WITH:

NAME:

ADDRESS:

HOME PHONE:

WORK PHONE:

TOTAL ITEMS: 5

PRINT DATE AND TIME

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University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

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police@utsa.edu

Case Number: 2024-00264

**Description**

Overview of Graffiti Angle 1

Notes

2024-00264(1)

University of Texas at San Antonio



Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264



Description

Overview of Graffiti Angle 2

Notes

2024-00264(2)

University of Texas at San Antonio



Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

Overview of Graffiti Angle 3

Notes

2024-00264(3)



University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

Overview of Graffiti Angle 4

Notes

2024-00264(4)



University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

Graffiti 30K

Notes

2024-00264(5)



University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

Graffiti FUK THE IDF

Notes

2024-00264(6)



University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

Graffiti LYDDA

Notes

2024-00264(7)



University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

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Case Number: 2024-00264

**Description**

Graffiti SABRA

Notes

2024-00264(8)

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University of Texas at San Antonio

Police Department

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Case Number: 2024-00264

**Description**

Graffiti Facing North

Notes

2024-00264(9)

University of Texas at San Antonio



Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

Graffiti Facing South

Notes

2024-00264(10)



University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

Graffiti Facing West

Notes

2024-00264(11)



University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

MH Pillar 1

Notes

2024-00264(12)

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University of Texas at San Antonio

Police Department

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Case Number: 2024-00264

**Description**

MH Pillar 2

Notes

2024-00264(13)

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University of Texas at San Antonio

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Case Number: 2024-00264

**Description**

MH Pillar 3

Notes

2024-00264(14)



University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

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Case Number: 2024-00264

**Description**

MH Pillar 4

Notes

2024-00264(15)

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Case Number: 2024-00264

**Description**

MH Pillar 5

Notes

2024-00264(16)



University of Texas at San Antonio

Police Department

Case Log Photo

One UTSA Circle San Antonio, TX 78249

PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

MH Pillar 6

Notes

2024-00264(17)

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University of Texas at San Antonio

Police Department

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Case Number: 2024-00264

**Description**

MH Pillar 7

Notes

2024-00264(18)

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University of Texas at San Antonio

Police Department

Case Log Photo

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FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

MH Pillar 8

Notes

2024-00264(19)

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University of Texas at San Antonio

Police Department

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PHONE: 210-458-4242

FAX: 210-458-7602

police@utsa.edu

Case Number: 2024-00264

**Description**

Overview of Graffiti to MH Pillars

Notes

2024-00264(20)

EXHIBIT C

Behavioral Intervention Team Incident Report – February 1, 2024 Incident

University of Texas at San Antonio
Behavioral Intervention Team Incident Reporting Form

Submitted on February 1, 2024 at 3:25:47 pm CST

Nature **Concerning Behavior**
 Urgency **Normal**
 Incident Date and Time **2024-02-01 12:00 PM**
 Incident Location **Online/Electronic An Instagram story post**

Reported by

Name: **E [REDACTED]**
 Title:
 Email: **[REDACTED]**
 Phone: **[REDACTED]**
 Address:
[Authenticated as [REDACTED]]

Person of Concern and any Involved Parties

E [REDACTED] ([REDACTED]) **[REDACTED]** **[REDACTED]** **[REDACTED]**
 Reporter of Concern Male

David L. ()
 Person of Concern Male

Questions

Please provide a detailed description of the incident/concern using specific concise, objective language (Who, what, where, when, why, and how).

The person of concern is a student enrolled at UTSA named David L. (while we have known each other for some time, I do not know their last name). The incident occurred on February 1st of 2024. Both I, the person reporting the incident, and David, the person I am reporting about, follow each other on the social media platform of Instagram. On Instagram, David reposted (also known as posted to story) an incredibly antisemitic post that engaged in the following acts

- 1. Dog whistling via the use of the term "al-Aqsa flood"**
- 2. Proclaiming the attack on October 7th was a defensive operation by Hamas**
- 3. Denial of attacks and rape taking place against Israeli civilians**
- 4. Denying the proven case of rape utilized by Hamas on October 7th**
- 5. Claims Israelis committed a spontaneous action of false flag attacks to intentionally kill Israeli civilians on October 7th**
- 6. Outright claim October 7th was an action of liberation.**
- 7. And more**

I do not file this report as some sort of attempt to silence opposing views. I am a firm believer in free speech. However, as someone who lost close friends on October 7th, who has seen video proof of Hamas executing civilians, gang rape, and torture, seeing fellow students spreading antisemitic propaganda, whether they realize it or not, creates a hostile environment not only Jewish students but survivors of sexual assault, with the posting denying the experiences of rape victims.

Was Public Safety / Campus Police or another law enforcement agency involved or did they respond?
No

Are there any other offices or people who have information about this concern?
As of writing this report, I have consulted with no other persons in this matter.

If the person is potentially a harm to self or others, are you aware if the person has access to weapons?
I am unsure if this person is a danger to himself or others, and I am unaware if they have access to weapons.

Do one or more of the below categories accurately reflect your concern?

Threats of violence made (verbal, physical, written)

Attachments

screenshot20240201115225instagram.jpg
screenshot20240201115229instagram.jpg
screenshot20240201115232instagram.jpg
screenshot20240201120511instagram.jpg
screenshot20240201120514instagram.jpg
screenshot20240201120517instagram.jpg
screenshot20240201120520instagram.jpg
screenshot20240201120525instagram.jpg
screenshot20240201120527instagram.jpg
screenshot20240201120529instagram.jpg
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screenshot20240201120537instagram.jpg
screenshot20240201120548instagram.jpg

Pending IR #00014962

Submitted from 129.115.195.39. Processed by routing rule #18. Routed to Ryne Medina, BIT Team Manager.

Copies to: anne.jimenez@utsa.edu; thomas.calucci@utsa.edu; melissa.hernandez@utsa.edu; donna.edmondson@utsa.edu; mary.mcnaughtoncassill@utsa.edu; L.T.Robinson@utsa.edu; suzanne.patrick@utsa.edu; ashly.harris@utsa.edu; amanda.swaney@utsa.edu; Jacob.criswell@utsa.edu; adrienne.rodriquez@utsa.edu; ashley.fitzgerald@utsa.edu; carlos.martinez.cos@utsa.edu; stephanie.schoenborn@utsa.edu; veronica.salazar.VPBA@utsa.edu; rachel.gornitz@utsa.edu; sandra.martinez@utsa.edu; angelia.lemmonds@utsa.edu; brittainy.jones@utsa.edu; natalee.marion@utsa.edu;

University of Texas at San Antonio
Behavioral Intervention Team Incident Reporting Form

Submitted on February 1, 2024 at 3:25:47 pm CST. Last modified February 5, 2024 at 9:12:40 am CST.

Nature	Concerning Behavior
Urgency	Normal
Incident Date and Time	2024-02-01 12:00 PM
Incident Location	Online/Electronic An Instagram story post

Reported by

Name: E [REDACTED]

Title:

Email: [REDACTED]

Phone: [REDACTED]

Address:

Person of Concern and any Involved Parties

David L. ()

Person of Concern Male

Questions

Please provide a detailed description of the incident/concern using specific concise, objective language (Who, what, where, when, why, and how).

The person of concern is a student enrolled at UTSA named David L. (while we have known each other for some time, I do not know their last name). The incident occurred on February 1st of 2024. Both I, the person reporting the incident, and David, the person I am reporting about, follow each other on the social media platform of Instagram. On Instagram, David reposted (also known as posted to story) an incredibly antisemitic post that engaged in the following acts

- 1. Dog whistling via the use of the term "al-Aqsa flood"**
- 2. Proclaiming the attack on October 7th was a defensive operation by Hamas**
- 3. Denial of attacks and rape taking place against Israeli civilians**
- 4. Denying the proven case of rape utilized by Hamas on October 7th**
- 5. Claims Israelis committed a spontaneous action of false flag attacks to intentionally kill Israeli civilians on October 7th**
- 6. Outright claim October 7th was an action of liberation.**
- 7. And more**

I do not file this report as some sort of attempt to silence opposing views. I am a firm believer in free speech. However, as someone who lost close friends on October 7th, who has seen video proof of Hamas executing civilians, gang rape, and torture, seeing fellow students spreading antisemitic propaganda, whether they realize it or not, creates a hostile environment not only Jewish students but survivors of sexual assault, with the posting denying the experiences of rape victims.

Was Public Safety / Campus Police or another law enforcement agency involved or did they respond?

No

Are there any other offices or people who have information about this concern?

As of writing this report, I have consulted with no other persons in this matter.

If the person is potentially a harm to self or others, are you aware if the person has access to weapons?

I am unsure if this person is a danger to himself or others, and I am unaware if they have access to weapons.

Do one or more of the below categories accurately reflect your concern?

Threats of violence made (verbal, physical, written)

Attachments

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screenshot20240201115229instagram.jpg
screenshot20240201115232instagram.jpg
screenshot20240201120511instagram.jpg
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screenshot20240201120537instagram.jpg
screenshot20240201120548instagram.jpg

Pending IR #00014962

Submitted from 129.115.195.39 and routed to Ryne Medina (BIT Team Manager)

Modified by Ryne Medina on February 5, 2024 at 9:12:40 am CST from 129.115.2.247

Copies originally to: anne.jimenez@utsa.edu; thomas.calucci@utsa.edu; melissa.hernandez@utsa.edu; donna.edmondson@utsa.edu; mary.mcnaughtoncassill@utsa.edu; L.T.Robinson@utsa.edu; suzanne.patrick@utsa.edu; ashly.harris@utsa.edu; amanda.swaney@utsa.edu; Jacob.criswell@utsa.edu; adrienne.rodriguez@utsa.edu; ashley.fitzgerald@utsa.edu; carlos.martinez.cos@utsa.edu; stephanie.schoenborn@utsa.edu; veronica.salazar.VPBA@utsa.edu; rachel.gornitz@utsa.edu; sandra.martinez@utsa.edu; angelia.lemmonds@utsa.edu; brittainy.jones@utsa.edu; natalee.marion@utsa.edu;

EXHIBIT D


HOP § 9.37 Peaceful Public Policy in effect between February 15, 2019 and June 7, 2024

The University of Texas at San Antonio

myUTSA



Handbook of Operating Procedures

 HOP

Chapter 1 – Administration

Chapter 2 – Faculty and Academics

Chapter 3 – Staff

Chapter 4 – Personnel – General

Chapter 5 – Students

Chapter 6 – Committees

Chapter 7 – Athletics

Chapter 8 – Facilities and University Services

Chapter 9 – General Provisions

- 9.01 – Nondiscrimination
- 9.02 – Persons with Disabilities
- 9.03 – Handbook of Operating Procedures Amendment Approval Process
- 9.04 – Consensual Relationships
- 9.05 – Occupational Safety and Health
- 9.06 – Ownership Transferred to VPREDKE. Renumbered 10.18
- 9.07 – Lost, Abandoned, and Unclaimed Personal Property
- 9.08 – Texas Public Information Act
- 9.09 – University Posting of Materials
- 9.10 – Solicitation on UTSA Campuses
- 9.11 – Reproduction of Copyright Materials
- 9.12 – The Use of the University Name, Seal, Logo, and Athletic Emblem (Roadrunner)
- 9.13 – Minor Children on Campus
- 9.14 – Parking Violations
- 9.15 – Campus Closure Due to Weather or Safety Considerations
- 9.16 – Use of Alcoholic Beverages
- 9.18 – Drugs and Alcohol
- 9.19 – Administration of the Student Deposit Endowment Fund (Deleted Effective May 17, 2022)
- 9.20 – Guidelines for Managing

[Handbook of Operating Procedures](#)
[Chapter 9 - General Provisions](#)
Publication Date: February 15, 2019
Responsible Executive: President

9.37 Peaceful Public Assembly

This is not the current policy. For the latest, click [here](#).

I. Scope

This policy regulates peaceful public assembly on the campuses of The University of Texas at San Antonio (UTSA).

II. General Statement

The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the university. Students, faculty, and staff, when not operating in their official capacity, have the right to assemble, to speak, and the corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen. The university is committed to these freedoms and has adopted the free speech policy statement produced by the Committee on Freedom of Expression at the University of Chicago. A link to the university's statement can be found here: <http://www.utsa.edu/president/campusandcommunity/cde/commitment.html>

However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs, administrative processes or other authorized activities of the university. The university shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person. Further, no expression or assembly may be conducted in a way that damages or defaces property of the university or of any person who has not authorized the person engaging in expression or assembly to damage or deface his or her property.

University staff, faculty and students may peaceably assemble anywhere on the UTSA campuses that they are otherwise permitted to be without advanced permission, as long as there is no disruption to other university activities. In keeping with the university's mission, any program or event sponsored by an academic or administrative unit of the university shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit.

No person, including a student or university employee, shall distribute any petition, handbill, object, or piece of literature; post or carry any sign, placard, or banner; or engage in speech or conduct on property or in buildings or facilities owned or controlled by UTSA if it is obscene, unlawfully defamatory, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action. Further, no person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication or persist in demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication. Persons or organizations who are planning a public assembly with more than 50 participants are strongly encouraged to notify and consult with Events Management and Conference Services (EMCS) as soon as practicable after the point at which the planners anticipate or plan for more than 50 participants. Persons or organizations planning smaller assemblies are encouraged to consult with EMCS if there is uncertainty about applicable university rules, the appropriateness of the planned location, or possible conflict with other events. EMCS has experience in helping student organizations structure events in ways that both comply with the university's rules and achieve the organization's goals for the event. EMCS can help identify appropriate space and potentially conflicting events, as well as help the planners avoid unintended disruption or other violations.

Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference in this policy. For example, libraries typically have highly restrictive rules concerning noise; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways; classroom speech may be confined to the subject matter of the class; and individual professors may have rules of decorum in their

Endowments	
» 9.21 – Records and Information Management and Retention	
» 9.22 – Acquired Immune Deficiency Syndrome, Human Immunodeficiency Virus Infection and Hepatitis B Virus	
» 9.23 – Procedures Governing Private Gift Solicitation, Acceptance, and Management	
» 9.24 – Sexual Harassment and Sexual Misconduct	
» 9.25 – Renumbered to 10.16 February, 2020	
» 9.26 – Historically Underutilized Business Initiative	
» 9.27 – Guidelines for Internal Audit Committee	
» 9.29 – Naming of Buildings and Facilities	
» 9.30 – Drug and Alcohol Testing (Certain Holders of Commercial Drivers' Licenses)	
» 9.31 – State Employment and Selective Service Registration	
» 9.33 – Collections Management Policy for the Center for Archaeological Research	
» 9.34 – Repatriation Policy for the Center for Archaeological Research	
» 9.35 – Confidentiality of Social Security Numbers (Rules of Conduct) (Consolidated to 11.08, effective August 2, 2022)	
» 9.36 – Tobacco Free and Smoke Free Campus	
» 9.37 – Peaceful Public Assembly	
» 9.38 – Guidelines for Service Centers and Institutes	
» 9.39 – Red Flag Rules Compliance for Identity Theft Detection	
» 9.40 – Compliance Training	
» 9.41 – Affiliated Organizations	
» 9.42 – Auxiliary Enterprises	
» 9.43 – Sustainability	
» 9.45 – Assessment of Administrative, Academic and Student Services	
» 9.46 – Travel Policy	
» 9.47 – Use of Residential Conference Centers	
» 9.48 – Carrying of Concealed Handguns on Campus	
» 9.49 – Cellular Phones and Services	
» 9.50 - Major Events Hosted by Non-University Users	

classroom. Such rules must be viewpoint neutral and should not restrict speech more than is reasonably necessary to serve their purpose.

III. Disruption

- A. Except as expressly authorized elsewhere in this policy, no speech, expression, or assembly may be conducted in a way that disrupts or interferes with any
 - 1. teaching, research, administration, or other authorized activities on any UTSA campus;
 - 2. free and unimpeded flow of pedestrian and vehicular traffic on any UTSA campus; or
 - 3. signs, tables, exhibits, public assemblies, distribution of literature, guest speakers, or use of amplified sound by another person or organization acting under the rules in this policy.
- B. The term "disruption" and its variants, as used in this policy, are distinct from and broader than the phrase "disruptive activities," as used in the *Rules and Regulations* of The University of Texas System Board of Regents (Series 30103 and Series 40502). This policy is concerned not only with deliberate disruption, but also with scheduling and coordinating events to manage or minimize the inevitable conflicts between legitimate events conducted in close proximity.
- C. Potentially disruptive events can often proceed without disruption if participants, administrators, and law enforcement officials cooperate to avoid disruption without stopping the event. In cases of marginal or unintentional disruption, administrators and law enforcement officials should clearly state what they consider disruptive and seek voluntary compliance before stopping the event or resorting to disciplinary charges or arrest.

IV. Prohibited Items or Actions

- A. A mask, facial covering, or disguise that conceals the identity of the wearer that is calculated to obstruct the enforcement of these rules or the law, or to intimidate, hinder or interrupt a University official, UTSA PD officer, or other person in the lawful performance of their duty.
- B. The possession, use, or display of firearms, facsimile firearms, ammunition, explosives, or other items that could be used as weapons, including but not limited to sticks, poles, clubs, swords, shields, or rigid signs that can be used as a shield, without written permission from the dean of students, unless authorized by federal, State or local laws.
- C. Body-armor or make shift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from the dean of students.
- D. Open flame, unless approved in advance by The University of Texas at San Antonio Fire Marshal.

V. Amplified Sound

University organizations may use amplified sound (i.e., when sound volume is increased by any electric, electronic, mechanical, or motor-powered means) on any UTSA campus at designated times and locations, subject to the rules in this policy and other applicable laws and university policies. Advanced permission is required (see Section B. for details). However, any event or activity determined to be disruptive to any authorized university activity may be stopped or modified, notwithstanding the amplified sound provisions listed herein.

- A. Location of Amplified Sound Areas
 - 1. *Sombrilla*: Main Campus University persons and organizations may use microphones for amplified speech. Acoustic, non-amplified music is also allowed. Amplified music is permissible during university sponsored events, such as Homecoming Week, Roadrunner Days, Fiesta Under the Stars, Best Fest, and Fiesta UTSA.
 - 2. University Center (UC): Main Campus Amplified speech/music may be approved under circumstances deemed by the University Center director to not be disruptive to other authorized activities occurring in and around the facility. University persons and organizations may request to use amplified sound on a form provided by EMCS.
 - 3. East Convocation Lawn: Main Campus University persons and organizations may use microphones for amplified speech and amplified music.
 - 4. Bill Miller Plaza: Downtown Campus University persons and organizations may use microphones for amplified speech and amplified music.
 - 5. The Vice President for Student Affairs (VPSA) may designate additional areas for use of amplified sound. If the VPSA concludes that it is unworkable to schedule two or more simultaneous events using amplified sound in different spaces at the same campus, the vice president may refuse to schedule simultaneous events in those areas.

B. Regulating and Scheduling of Amplified Sound

- » 9.51 - Youth Protection Program
- » 9.52 - Prohibition of Camping on University Property

Chapter 10 – Research

Chapter 11 – Information Technology

Policy Process

Search HOP

Search HOP By Responsible

Executive
Click to Select

1. The VPSA may prescribe content neutral rules concerning scheduling, sound levels, the location of speakers and direction in which they are pointed, and other rules to facilitate the use of amplified sound areas, to mediate any conflict with university functions and other nearby activities, and to manage environmental impact.
2. Organizations wishing to use an amplified sound area must reserve a particular area for a particular time. Reservations must be made with EMCS on a form prescribed by that office.

EMCS shall make a reasonable effort to advise each applicant how to correct, if possible, any conditions that preclude approval of its application. Even if an applicant is entitled to have its application approved as submitted, EMCS may give advice about other possible locations, or about modifications to the proposed event, that would avoid potential problems or make the proposed event more workable.

The VPSA shall approve a properly completed form to reserve an amplified sound area, unless the application must be disapproved under the below listed criteria (B.2.a.) or under rules established by the VPSA under the authority of this policy.

- a. Space requests for the use of amplified sound or for exhibits will be denied if any of the following criteria apply:
 - i. The proposed use of the space would violate the Regents' *Rules and Regulations*, university or UT System policy;
 - ii. Another event or exhibit has been scheduled for the proposed time and location, or in sufficiently close proximity that there is a practical conflict;
 - iii. The space requested is inadequate to accommodate the proposed use;
 - iv. The proposed use of the space would violate reasonable and nondiscriminatory fire, health, or safety standards;
 - v. The proposed use of the space would constitute an immediate and actual danger to students, faculty members, or staff members or to the peace or security of the university that available law enforcement officials could not control with reasonable effort;
 - vi. The requesting person/organization is under a disciplinary penalty prohibiting reserving the use of a university space, or prohibiting the proposed use of the space; or
 - vii. The requesting person/organization owes a monetary debt to the university and the debt is considered delinquent.
- b. The VPSA may limit the number or frequency of reservations for each person or organization to ensure reasonable access for all persons and organizations desiring to use amplified sound.
- c. The VPSA may reserve some time slots each week for emergency reservations by persons or organizations responding to events that have occurred, or issues that have arisen since the preceding week.

3. Organizations using amplified sound are responsible for maintaining a passageway for pedestrians that is adequate to the volume of pedestrian traffic passing through the area.
4. Any designations of additional areas, any additional rules regulating the designated areas, and the rules and procedures for reserving the right to use a designated area, shall be stated on a website, flyer, or pamphlet available at the EMCS Office.

C. Amplified Sound Indoors/Use of University Buildings

Amplified sound sufficient to be heard throughout the room may be used in any room in any building, but the VPSA may limit or prohibit sound that would be disruptive outside the room. Reservations are required. Rules concerning reservations and general use of university buildings may be found in Chapter 8 (Facilities and University Services) of the UTSA Handbook of Operating Procedures.

VI. Guest Speakers

Registered student, faculty, and staff organizations and academic and administrative units may present guest speakers (i.e., speakers or performers who are not students, faculty members, or staff members) on university property. In the case of registered student organizations, advanced permission from EMCS is required. Individuals may not present a guest speaker.

A. Location and Form of Presentation

1. A guest speaker may present a speech or performance, or lead a discussion of specified duration, at a time announced in advance, in a fixed indoor location reserved through EMCS. A guest speaker may distribute literature only immediately before, during, and immediately after the normal course of his or her speech, presentation, or

performance, and only to persons in attendance. Only literature that complies with Section VIII of this policy may be distributed.

- 2. A guest speaker may not:
 - a. acost potential listeners who have not chosen to attend the speech, performance, or discussion; or
 - b. distribute literature to persons who have not chosen to attend the speech, performance, or discussion; or
 - c. help staff a table or exhibit.

B. Scheduling Guest Speakers

- 1. A registered student organization that wishes to present a guest speaker shall submit to EMCS, a completed form prescribed by the VPSA, at least five (5) business days prior to the event.
- 2. The VPSA or designee shall approve an application properly made under subsection 1. unless it must be disapproved under the criteria in IV.B.2.a.

C. Obligations of Presenting Organization

A student, faculty, or staff organization that presents a guest speaker must make clear that:

- 1. the organization, and not the university, invited the speaker; and
- 2. the views expressed by the speaker are his or her own and do not necessarily represent the views of the university, the University of Texas System, or any institution of the System.

D. No off-campus speaker who is to be paid from State funds as consideration for his or her speech shall be permitted to speak on any of the university's campuses unless the university facility in which the speech is to be delivered will be open to the public, including members of the news media, who will be entitled to record, videotape, or telecast live portions of the speech. This does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may in any way obstruct or lessen in any way the opportunity for the audience to take the fullest advantage of the speech, including the opportunity to see and hear the speaker during the entire speech.

E. All activities held on university property and sponsored by staff, student or faculty organizations are open to the university community only.

VII. Signs

- A. Students, faculty, and staff may display a sign on campus by holding or carrying it by hand or otherwise attaching it to their person. No advanced permission is required. Signs on sticks or poles or otherwise attached to any device are prohibited.
 - 1. Any person holding or carrying a sign shall exercise due care to avoid bumping, hitting, or injuring any other person.
 - 2. Any person holding or carrying a sign at a speech, performance, or other event shall exercise due care to avoid blocking the view of any other person observing the speech, performance, or event. Depending on the venue, this may mean that signs may be displayed only around the perimeter of a room or an audience.
 - 3. Hand-held signs constructed of materials that create a hazard to other people are not permitted. Signs constructed of rigid materials, including sticks, poles, wood, metal, hard plastic, or other materials that could be construed as a hazard are not permitted.
 - 4. A law enforcement officer or the dean of students, or an usher or other University employee if authorized by officials responsible for managing the venue, may warn any person that his or her sign is being handled in violation of subsections HOP 9.37 VII.A. If the violation persists after a clear warning, the law enforcement officer, dean of students, authorized usher, or other authorized employee may confiscate the sign. A law enforcement officer may take any action necessary to keep the peace, including but not limited to, issuing a criminal trespass warning to the violator.
- B. Except as provided for herein or in the UTSA Handbook of Operating Procedures, nothing may be written or posted on any building, statue, fountain, walkway surface, road surface, tree, or natural feature of the campus.
- C. General policies related to posting signage/displaying banners may be found in the UTSA Handbook for Operating Procedures (Policy 9.09).

VIII. Distribution of Literature

- A. General Rule on Distribution of Literature
 - 1. Subject to the Regents' *Rules and Regulations* and university policies, including those regarding co-sponsorships, solicitation and prohibited expression, registered student, faculty, and staff organizations, and academic and

administrative units, may sell, distribute, or display literature on campus. Individual students, faculty members, and staff members may distribute or display literature, but may not sell it. In either case, no advanced permission is required.

2. "Literature" means any printed material, including any newspaper, magazine, or other publication, and any leaflet, flyer, or other informal matter, that is produced in multiple copies for distribution to potential readers.

B. Not-for-Profit Literature Only

1. Except as expressly authorized by Section VIII.B.2., or by contract with the university, no person or organization may sell, distribute, or display on campus any publication operated for profit. A registered student, faculty, or staff organization may sell publications operated for profit as part of a fund-raiser authorized by, and subject to the limits of university solicitation policies.
2. Newspapers, magazines, or other publications may be distributed, or offered for sale by means of an unattended rack or vending machine in area(s) designated in advance by the president of the university or his or her delegate for the direction of such activity.
3. A publication is operated for profit if any part of the net earnings of the publication, or of its distribution, benefits any private shareholder or individual.

C. Limits on Advertising

1. Literature distributed on campus may contain the following advertising:
 - a. Advertising for a registered student, faculty, or staff organization, or an academic or administrative unit;
 - b. Advertising for an organization that is tax exempt under Section 501(c) (3) of the Internal Revenue Code;
 - c. Paid advertising in a publication primarily devoted to promoting the views of a not-for-profit organization or to other bona fide editorial content distinct from the paid advertising; and
 - d. Other advertising expressly authorized by the *Rules and Regulations* of the Board of Regents (Series 80103) or by contract with the university.
2. All other advertising in literature distributed on any UTSA campus is prohibited.

D. Clean Up of Abandoned Literature

Any person or organization distributing literature on any UTSA campus shall pick up all copies dropped on the ground in the area where the literature was distributed.

IX. Joint Sponsorship

- A. No registered student, faculty, or staff organizations; or individual students, faculty, or staff, may jointly sponsor any event on campus with an off-campus person or organization. Only academic or administrative units with authority delegated from the president of the university may jointly sponsor events with an off-campus person or organization. All joint sponsorships must be consistent with Series 80105 of the *Rules and Regulations* of the Board of Regents.
- B. An event is a prohibited joint sponsorship if an individual or a student, faculty, or staff organization:
 1. Relies on an off-campus person or organization for planning, staffing, advertising or managing the event; or
 2. Advertises the event as jointly sponsored by an off-campus person or organization; or
 3. Operates the event as an agent of, or for the material benefit of, an off-campus person or organization, except for solicitation of charitable contributions in accordance with applicable university policies; or
 4. Distributes any proceeds of the event to an off-campus person or organization, except for:
 - a. The proceeds of charitable contributions solicited in accordance with applicable university policies; or
 - b. Payment of a fair market price for goods or services provided to the university person or organization; or
 5. Reserves a room or space for the use of an off-campus person or organization.
- C. The following facts do not, in and of themselves, indicate a prohibited joint sponsorship:
 1. That a university person or organization endorses an off-campus person or organization or its message;
 2. That a university person or organization sells, distributes, or displays literature prepared by an off-campus person or organization or containing contact information for an off-campus person or organization;
 3. That a university person or organization has purchased goods or services from an off-campus provider;
 4. That a registered student, faculty, or staff organization has invited a guest speaker under Section V;
 5. That a registered student, faculty, or staff organization has received financial contributions to support the event from

an off-campus donor.

- D. The purpose of this rule is to preserve the limited space on campus for the use of students, faculty members, and staff members, and the rule will be interpreted to serve that purpose.

X. Tables

University persons or organizations may set up tables from which to display literature and disseminate information and opinions, subject to the rules of this policy and other applicable university rules and regulations. No advanced permission is required.

A. Locations

1. Subject to the restrictions in paragraph 2. and subject to the rules on disruption of other functions and interference with vehicular and pedestrian traffic, university persons and organizations may set up tables in any outdoor location on the campus and in any large, open, indoor location.
2. Tables may not be set up inside any library, classroom, laboratory, performance hall, stadium, or office, or in any hallway less than ten feet wide, without permission from the academic or administrative unit that controls the space, or from the faculty member or staff member who controls the space at a particular time.
3. An academic or administrative unit may further specify these rules by restricting tables to reasonable locations in spaces occupied by that unit. Academic and administrative units are encouraged to clearly state any such rules in writing, and to publish those rules on a website or on a flyer or pamphlet conveniently available at the chief administrative office of the unit.
4. If any table is set up in a prohibited or disruptive location, any university employee pointing out the violation shall also point out other locations, as nearby as is reasonably possible, where the table is permitted.

B. Identification

Each table must have a sign or literature that identifies the university person or organization sponsoring the table.

C. Cleanup around Tables

Any person or organization sponsoring a table shall remove litter from the area around the table at the end of each day.

D. Sources of Tables

Persons and organizations may supply their own tables. In addition, the University Center Information Desk maintains a supply of tables that may be reserved and checked out for use on campus. The EMCS shall maintain, on a website or on a flyer or pamphlet conveniently available at the EMCS Office, a current description of the rules and procedures for reserving and checking out tables.

XI. Exhibits

University organizations may erect exhibits (i.e., an object or collection of related objects, designed to stand on the ground or on a raised surface, which is not a table, is designed for temporary display, and is not permanently attached to the ground) that are not inconsistent with applicable university policies. Advanced permission is required from EMCS, except that an academic or administrative unit may authorize indoor exhibits in a space that it occupies and controls. Exhibits may not be erected in areas that would impede vehicle or pedestrian traffic or otherwise adversely impact any authorized activity.

A. Authorization Process

An organization desiring to erect an exhibit shall apply on a form prescribed by EMCS.

B. Criteria for Approval

1. The VPSA shall authorize an exhibit described in a properly completed application unless the vice president or his or her designee finds that use of the proposed space for the proposed exhibit must be disapproved under the criteria listed in Section V.B.2.a.
2. An exhibit may not be left unattended by the organization requesting it unless prior arrangements are made to pay for police protection in their absence pursuant to XI.C.2.
3. If approved pursuant to Section XI.B.1., the EMCS Office, in consultation with UTSA police and other appropriate offices, shall specify the location of each exhibit to reduce the hazard to pedestrians, including those who are visually impaired.
4. If the application is denied, the applicant may choose to consult with the EMCS Office regarding how to correct, if possible, any conditions that preclude approval of his or her application. Even if an application may be approved as submitted, the VPSA or the EMCS Office staff may provide guidance about other possible locations, or about

modifications to the exhibit, that would avoid potential problems or make the proposed exhibit more workable.

C. Time Limits

1. In locations administered by the VPSA, each exhibit may be displayed for five (5) business days. The exhibit may be renewed for an additional five (5) business days if space is available.
2. The exhibit must be removed at the end of each day and may be re-erected each morning. However, the VPSA may authorize overnight exhibits in designated locations, provided that the requesting entity agrees to pay for police protection.

D. Clean Up Around Exhibits

Any organization sponsoring an exhibit shall remove litter from the area around the exhibit at the end of each day.

E. Liability

Any organization sponsoring an exhibit assumes full responsibility for the exhibit, including all injuries or hazards that may arise from the exhibit. The university shall not be liable for any damage that may occur to the exhibit, and any organization sponsoring the exhibit shall indemnify the university for any claims arising from the exhibit's presence on campus.

XII. Responding to Speech, Expression, and Assembly

University persons and organizations may respond to the speech, expression, or assembly of others, subject to all the rules in this policy. Responding to another's expression is simply another form of expression, and all applicable rules herein, including rules regarding advanced permission or reservations, such as those related to banners, exhibits and amplified sound, must be followed. When feasible, the EMCS Office will make reasonable efforts to expedite approval of banners, exhibits and amplified sound.

XIII. Solicitation

No person shall make, distribute, or display on any UTSA campus any statement that offers or advertises any product or service for sale or lease, or requests any gift or contribution, except as authorized by the *Rules and Regulations* of the Board of Regents (Series 80103).

XIV. Police Patrol

- A. The normal patrolling of officers during regular duty areas that include speakers, public assemblies, persons staffing or viewing exhibits will be at the cost of the university. When the magnitude, timing, or nature of an event requires additional hours from police officers (including contract hours for officers hired from other departments or private security agencies), the university will, to the extent specified in subsections B. and C. below, charge the cost of additional or contract officers to the person or organization sponsoring the event or exhibit that requires additional police protection. The purpose of subsections B. and C. is to charge for additional police presence where reasonably possible, but not to charge for additional police made necessary by the content of speech at the event.
- B. A reasonable and nondiscriminatory fee for the additional police work will be charged for events that require additional police presence, and
 1. charge a price for admission, or
 2. pay a speaker, band, or other off-campus person or organization for services at the event.

Persons or organizations planning such events should budget for the cost of police presence.

- C. The university shall have the sole power to decide, after reasonable consultation with the person or organization planning the event, whether and to what extent overtime police presence is required. All fees shall be based on the number of officers required for an event of the same size and kind, in the same place and at the same time of day. No fee shall be charged for officers assigned because of political, religious, philosophical, ideological, or academic controversy anticipated or actually experienced at the event.

XV. Response to Violations

- A. A student who violates a prohibition in this policy may be disciplined under the procedures in the [Student Code of Conduct](#).
- B. A faculty member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by faculty members shall be referred to the Office of the Provost and Vice President for Academic Affairs.
- C. A staff member who violates a prohibition in this policy may be disciplined under applicable procedures provided by other rules. If no such procedures exist, violations by staff members shall be referred to the Human Resources Department.
- D. Authorized university personnel may prevent imminently threatened violations, or end ongoing violations of a prohibition in

this policy, by explanation and persuasion, by reasonable physical intervention, by arrest of violators, or by any other lawful measures. Alternatively or additionally, they may initiate disciplinary proceedings under paragraph A., B., or C. Discretion regarding the means and necessity of enforcement shall be vested in the Chief of Police, or in university personnel designated by the president, as appropriate, but such discretion shall be exercised without regard to the viewpoint of any speaker.

- E. Persons and organizations on UTSA campuses shall comply with instructions from university administrators and law enforcement officials at the scene. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may test the propriety of that order in an appeal under Section XV-Appeals.

XVI. Appeals

- A. A person or organization that is denied permission for an activity requiring advanced permission under this policy may appeal the denial of permission.
- B. A person or organization that complies with an on-the-scene order limiting speech, expression, or assembly may, on or before the fifth weekday after complying with the order, file an appeal to determine the propriety of the order limiting the speech, expression, or assembly. The question on appeal shall be whether, under the circumstances as they reasonably appeared at the time of the order, the appellant's speech, expression, or assembly should have been permitted to continue. Such an appeal may be useful to clarify the meaning of a rule, or to resolve a factual dispute that may recur if the appellant desires to resume the speech, expression, or assembly that was limited by the order.
- C. Any person or organization aggrieved by a decision under this policy is entitled to appeal to the VPSA by providing a written appeal to the dean of students on or before the fifth weekday after the day the decision is announced. The written appeal shall contain the person's/organization's name and mailing address, a description of the decision complained of, the organization's reasons for disagreeing with the decision, and the date the decision was announced.
- D. When a timely appeal is received, the dean of students shall prepare and send to the VPSA a copy of the written statement of the reason given for the denial of permission/on-the-scene order in question. The vice president shall review both the written appeal and the written statement of the reason(s) for the decision in question. The vice president may render a decision based on the documents provided, or, at his/her discretion, provide the person/organization with an opportunity for a face-to-face meeting at which both the aggrieved party and the person making the decision are present. The decision of the vice president concludes the appellate process.

XVII. Definitions

The following definitions are used for the purpose of this policy.

- A. "Academic or administrative unit" means any office or department of the university.
- B. "Faculty member and staff member" includes any person who is employed by the university, including student employees.
- C. "Off-campus person or organization" means any person, organization, or business that is not an academic unit, an administrative unit, a registered organization (student, faculty, staff), or a student, faculty member, or staff member.
- D. "University person or organization" includes academic and administrative units; registered student, faculty, and staff organizations; and individual students, faculty members, staff members, and other agents of the university serving in an official capacity.
- E. "Registered student, faculty, or staff organization" includes a registered student organization under the Student Organization Relationship Statement, a faculty or staff organization under the *Rules and Regulations* of the Board of Regents (Series 40201), and Student Government and any unit or subdivision thereof.
- F. "Student" means a person who is currently enrolled at UTSA, or attending an educational program sponsored by the university while that person is on campus.
- G. "Amplified sound" means sound where volume is increased by any electric, electronic, mechanical, or motor-powered means.
- H. "Vice President for Student Affairs" means the Vice President for Student Affairs or any delegate or representative of the Vice President for Student Affairs.
- I. "Dean of Students" means the dean of students of the University of Texas at San Antonio or any delegate or representative of the dean of students;
- J. "Office of Student Activities" means the office that oversees all registered/sponsored student organizations; this office is under the dean of students who reports to the vice president for student affairs.
- K. "Room or space" includes any room or space, indoors or outdoors, owned or controlled by the university.
- L. "University" means The University of Texas at San Antonio (UTSA).
- M. "Weekday" means Monday through Friday except for official university holidays.

N. "Day" means calendar day.

[New, Revised and Deleted Policies](#)

[Policy Amendment Approval Process](#)

[UT System - Regents’ Rules & Regulations](#)

[UT System - Policy Library](#)

Our Location

[Institutional Compliance and Risk Services](#)

One UTSA Circle

San Antonio, Texas 78249

Phone (210) 458-4992

Directions: [Google Map](#), [UTSA Map](#)

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